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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/720,908	03/09/2001	Elisabeth Lakso	000500-282	7370

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EXAMINER

REICHLE, KARIN M

ART UNIT PAPER NUMBER

3761

DATE MAILED: 09/12/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/720,908

Applicant(s)

LAKSO ET AL.

Examiner

Karin M. Reichle

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 June 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7, 16-22, 29, 30 and 34-37 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

- 5) ☐ Claim(s) _____ is/are allowed.

- 6) ☒ Claim(s) 1-7, 16-22, 29, 30 and 34-37 is/are rejected.

- 7) ☐ Claim(s) _____ is/are objected to.

- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09 June 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

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DETAILED ACTION

Specification

1. The substitute specification filed 6-9-03 has been placed in the application and entered.

Drawings

2. The corrected or substitute drawings were received on 6-9-03. These drawings are approved.

Claim Rejections - 35 USC § 103

3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

4. Claims 1-7, 16-22, 29-30 and 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Applicants disclosure, Barrocas '179, Toms '679, Bruggemann '295, Cargill '941, and Dupont '200.

In regard to the claims, Applicants' disclosure at page 5, lines 10-15, page 10, lines 1-2, and page 5, lines 16-19, as well as Toms '679 at col. 1, lines 23-27 and col. 11, lines 54-57, and Cargill at Description of the Prior Art, admits that it is known to produce components of absorbent articles or packages from material produced from polyethene, also known as

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polyethylene, derived from non-renewable materials, i.e. petroleum products. Applicants' disclosure at paragraph bridging pages 14-15, page 16, first full paragraph, page 17, third full paragraph and page 18, line 10, as well as Toms '679 at col. 9, lines 15-66, Cargill at Description of the Prior Art, admits that manufacture of a film or material, including those of polyethene, components from that film or material, absorbent articles from the components, film or material, alone or with other components, prepacking, manufacture of the prepack or package and methods of manufacture, including those of polyethene, are also known. Applicants' disclosure at page 9, lines 6-17 and page 16, lines 8-17, as well as Barrocas et al '179 at col. 1, lines 4-34, admits it is known to produce ethane from ethanol, a renewable material, and to produce polyethene from such ethane. Therefore, the invention of the claims is known except for, and as set forth by Applicants at page 9, line 17-page 10, line 4, the use of renewable raw materials in the manufacture of the polythene used in absorbent articles or packaging materials. The invention as set forth by Applicants at page 3, lines 2-4 is for the purpose of making such more environmental friendly than known counterparts. In other words, the invention is using renewable raw materials to manufacture a material for use in products in a field of endeavor instead of using non-renewable raw materials to make such same material for use in those same products in that same field of endeavor as known in order to be more environmentally friendly. However, Applicants' disclosure at the paragraph bridging pages 3-4, as well as Bruggemann '295 at col. 1, lines 5-36, Cargill at Description of the Prior Art and Dupont '200 at Technical Background and paragraph bridging pages 4-5, disclose that it is also known and desired to

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create environmentally friendly diapers or packages by using films, materials and components produced of renewable raw materials rather than non-renewable raw materials for such.

Therefore, from the Applicants admissions as to what is known and the prior art, to also use renewable raw materials to produce the polyethene in absorbent articles and packages instead of the previously used non-renewable materials used to produce such same polyethene would be obvious to one of ordinary skill in the art in view of the recognition that such would also be more environmentally friendly and the recognition that it is well known how to make polyethene films, materials and components from renewable materials and that such is environmentally friendly.

5. Claims 35-37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Applicants disclosure, Barrocas '179, Toms '679, Bruggemann '295, Cargill '941, Dupont '200, Sitnam, Klemp '669, Bednar '999 and Yoo et al '093.

In regard to the claims, Applicants' disclosure at page 5, lines 10-15, page 10, lines 1-2, and page 5, lines 16-19, as well as Toms '679 at col. 1, lines 23-27 and col. 11, lines 54-57, Cargill at Description of the Prior Art, admits that it is known to produce components of absorbent articles or packages from material produced from polyethene, also known as polyethylene, derived from non-renewable materials, i.e. petroleum products. Applicants' disclosure at paragraph bridging pages 14-15, page 16, first full paragraph^{two}, page 17, third full paragraph and page 18, line 10, as well as Toms '679 at col. 9, lines 15-66, Cargill at Description of the Prior Art, admits that manufacture of a film or material, including those of polyethene, components from that film or material, absorbent articles from the components, film or material,

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alone or with other components, prepacking, manufacture of the prepack or package and methods of manufacture, including those of polyethene, are also known. Applicants' disclosure at page 9, lines 6-17 and page 16, lines 8-17, as well as Barrocas et al '179 at col. 1, lines 4-34, admits it is known to produce ethane from ethanol, a renewable material, and to produce polyethene from such ethane. Therefore, the invention of the claims is known except for, and as set forth by Applicants at page 9, line 17-page 10, line 4, the use of renewable raw materials in the manufacture of the polythene used in absorbent articles or packaging materials. The invention as set forth by Applicants at page 3, lines 2-4 is for the purpose of making such more environmental friendly than known counterparts. In other words, the invention is using renewable raw materials to manufacture a material for use in products in a field of endeavor instead of using non-renewable raw materials to make such same material for use in those same products in that same field of endeavor as known in order to be more environmentally friendly. However, Applicants' disclosure at the paragraph bridging pages 3-4, as well as Bruggemann '295 at col. 1, lines 5-36, Cargill at Description of the Prior Art and Dupont '200 at Technical Background and paragraph bridging pages 4-5, disclose that it is also known and desired to create environmentally friendly diapers or packages by using films, materials and components produced of renewable raw materials rather than non-renewable raw materials for such. It is noted that Sitnam, Klemp, Bednar and Yoo et al disclose that polyethylene can be biodegradable and it is also known and desired to create environmentally friendly diapers and packages by using films, materials and components produced of such. Therefore, from the Applicants

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admissions as to what is known and the prior art, to also use renewable raw materials to produce the polyethene in absorbent articles and packages instead of the previously used non-renewable materials used to produce such same polyethene would be obvious to one of ordinary skill in the art in view of the recognition that such would also be more environmentally friendly and the recognition that it is well known how to make polyethene films, materials and components from renewable materials and that such is environmentally friendly.

Response to Arguments

6. Applicant's remarks with regard to the formal matters on pages 4-5 of the 6-9-03 response have been noted and are either deemed moot in that such have not been re-raised.

Applicant's remarks with regard to the prior art rejection on pages 6 et seq have been considered but are deemed nonpersuasive for the reasons set forth in the rejection and also for the following reasons. Applicant is using a known material, i.e polythene made from renewable raw materials, and processing it in known manners. It is being used in lieu of the polythene material from nonrenewable sources for the same reasons that the prior art created the polythene material made from renewable materials in the first place, i.e environmental friendliness. The polythene from nonrenewable material has also been replaced with materials from renewable materials, other than the polythene of renewable materials, previously in absorbent products and packages for the same purpose of environmental friendliness. Furthermore Applicants argue that the prior art combination is improper because the art teaches biodegradable renewable materials and

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polyethylene is not biodegradable. It is noted that the claims do not specifically set forth that the renewable materials are or are not biodegradable, i.e. could be either. Furthermore, such argument that polyethylene films are not biodegradable is not supported by the art. The Sitnam, Klemp, Bednar and Yoo et al references now made of record show it was known prior to Applicant's invention that films of polyethylene or films including polyethylene can indeed be biodegradable contrary to Applicant's arguments.

Conclusion

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

The addition of claims 34-36 necessitated any new grounds of rejection.

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8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to K. M. Reichle whose telephone number is 703-308-2617. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Weilun Lo, can be reached on (703) 308-1957. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0858.

K. M. Reichle

September 2, 2003

Karin Reichle
KARIN REICHEL
PATENT EXAMINER